

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re: SPROUT MORTGAGE, LLC,

Debtor.

Chapter 11

Case No.: 8:23-72433-reg

**ORDER AUTHORIZING PNC BANK, NATIONAL ASSOCIATION
TO ISSUE SUBPOENA FOR THE PRODUCTION OF DOCUMENTS UPON
METROPOLITAN COMMERCIAL BANK**

Upon the *ex parte* application, dated February 20, 2024, (the “Application”) of creditor PNC Bank, National Association (“PNC”) pursuant to Bankruptcy Rule 2004, for an order authorizing PNC to issue a subpoena for the production of documents to Metropolitan Commercial Bank (“Metropolitan”) as more fully set forth in the Application; and this Court having jurisdiction to consider the Application and the relief requested therein in accordance with U.S.C. §1334; and the Application being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§1408 and 1409; and this Court having reviewed the Application and determined that the relief requested therein seeks to obtain information concerning the acts, conduct, and property of Debtor, Debtor’s financial condition, and the use and location of moneys received by Debtor from third-parties constituting the basis of PNC’s filed Proof of Claim; and this Court having determined that PNC has established just cause for the relief granted herein; and upon all of the proceedings had before the Court, and after due deliberation and sufficient cause appearing; it is therefore

ORDERED that the Application is granted; and it is further

ORDERED that PNC is authorized under Bankruptcy Rule 2004 and 9016 to issue subpoenas, substantially in the form submitted herewith, as may be necessary to compel the production of documents in connection with PNC’s investigation into the use and location of

moneys received by Debtor in conjunction with Debtor's servicing of loans owned by PNC; and it is further

ORDERED that unless otherwise agreed to by PNC, Metropolitan shall have fourteen (14) days from the date of service of the subpoena to produce to PNC all responsive documents requested in PNC's subpoena, other than those documents withheld under a claim of privilege, as reflected in a privilege log produced therewith; and it is further

ORDERED that nothing herein shall limit the rights of Metropolitan under applicable law to object to or oppose any subpoena PNC may serve upon Metropolitan; and it is further

ORDERED that PNC shall file with the Court an affidavit or declaration of service for each subpoena served; and it is further

ORDERED that this Order is without prejudice to PNC's right to file further motions and/or applications seeking additional documents and testimony pursuant to Bankruptcy Rule 2004(a) or any other applicable law; and it is further

ORDERED that the Court shall retain jurisdiction to resolve any disputes arising from or otherwise related to this Order, including any discovery disputes that may arise between or among the parties and to interpret, implement, and enforce the provisions of this Order.

Dated: Central Islip, New York
March 14, 2024




Robert E. Grossman
United States Bankruptcy Judge